

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

3 **DARRYL J. MOHR, M.D.**

4 Holder of License No. 11224
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-11-0197A

**INTERIM ORDER FOR PRACTICE
RESTRICTION AND CONSENT TO THE
SAME**

7 Darryl J. Mohr, M.D. ("Respondent") elects to permanently waive any right to a
8 hearing and appeal with respect to this Interim Order for Practice Restriction; admits the
9 jurisdiction of the Arizona Medical Board ("Board"); and consents to the entry of this Order
10 by the Board.

11 **FINDINGS OF FACT**

12 1. The Board is the duly constituted authority for the regulation and control of
13 the practice of allopathic medicine in the State of Arizona.

14 2. Respondent is the holder of license number 11224 for the practice of
15 allopathic medicine in the State of Arizona.

16 3. The Board initiated case number MD-11-0197A after receiving notification
17 that Respondent had failed to complete the PACE prescribing course and the PACE
18 medical record keeping course within the time period required by the terms of an August
19 11, 2010, consent agreement he entered into with the Board for Order for Letter of
20 Reprimand and Probation.

21 4. The Board initiated case no. MD-09-1053A and case no. MD-09-1576A after
22 receiving two separate complaints regarding Respondent's prescribing practices. Medical
23 consultants reviewed the medical charts of eight of Respondent's patients and found that
24 Respondent deviated from the standard of care by inappropriately prescribing controlled
25 substances to all of them.

5. To resolve the Board's allegations of unprofessional conduct in case no. MD-09-1053A and MD-09-1576A, Respondent entered into a consent agreement for Order for Letter of Reprimand and Probation ("Order"). Under the probation terms, Respondent agreed, among other things, to complete the PACE prescribing course and the PACE medical record keeping course within six months of the effective date of the Order.

6. The Order became effective on August 11, 2010. As of February 24, 2011, more than six months after the Order's effective date, Respondent had not yet completed either the PACE prescribing course or the PACE medical record keeping course.

7. Respondent is currently in violation of the Board Order issued on August 11, 2010.

8. The executive director has determined that a restriction is needed to mitigate imminent danger to the public health and safety, and the Board's investigative staff and medical consultant concur after review of the case that a consent agreement is appropriate.

9. The Board finds that a practice restriction is needed in order to protect the public.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(r) (“[v]iolating a formal order, probation, consent agreement, or stipulation issued or entered into by the board or its executive director under this chapter”)

1 3. If the Board finds that it can take rehabilitative or disciplinary action without
2 the presence of the doctor at a formal interview it may enter into a consent agreement with
3 the doctor to limit or restrict the doctor's practice or to rehabilitate the doctor in order to
4 protect the public and ensure the doctor's ability to safely engage in the practice of
5 medicine. A.R.S. § 32-1451(F).

6 4. The executive director may enter into an interim consent agreement with a
7 physician if there is evidence that restriction is needed to mitigate imminent danger to the
8 public health and safety and the investigative staff and the medical consultant concur that
9 a consent agreement is appropriate. A.A.C. R4-16-504.

10 **ORDER**

11 IT IS HEREBY ORDERED THAT:

12 Respondent is placed on a practice restriction that prohibits him from prescribing,
13 administering, or dispensing any Controlled Substances until he applies to the Board and
14 receives permission to do so.

15
16 DATED AND EFFECTIVE this 25^m day of February, 2011.

17
18 ARIZONA MEDICAL BOARD

19 (SEAL)

20 By Amanda Diehl
21 *js* Lisa S. Wynn
22 Executive Director

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CONSENT TO ENTRY OF ORDER

1
2 1. Respondent has read and understands this Consent Agreement and the
3 stipulated Findings of Fact, Conclusions of Law and Order ("Order"). Respondent
4 acknowledges he has the right to consult with legal counsel regarding this matter.

5 2. Respondent acknowledges and agrees that this Order is entered into freely
6 and voluntarily and that no promise was made or coercion used to induce such entry.

7 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to
8 a hearing or judicial review in state or federal court on the matters alleged, or to challenge
9 this Order in its entirety as issued by the Board, and waives any other cause of action
10 related thereto or arising from said Order.

11 4. The Order is not effective until approved by the Board and signed by its
12 Executive Director.

13 5. All admissions made by Respondent are solely for final disposition of this
14 matter and any subsequent related administrative proceedings or civil litigation involving
15 the Board and Respondent. Therefore, said admissions by Respondent are not intended
16 or made for any other use, such as in the context of another state or federal government
17 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or
18 any other state or federal court.

19 6. Upon signing this agreement, and returning this document (or a copy thereof)
20 to the Board's Executive Director, Respondent may not revoke the consent to the entry of
21 the Order. Respondent may not make any modifications to the document. Any
22 modifications to this original document are ineffective and void unless mutually approved
23 by the parties.
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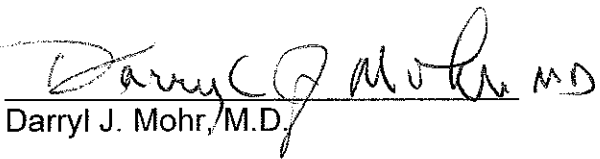
1 7. This Order is a public record that will be publicly disseminated as a formal
2 disciplinary action of the Board and will be reported to the National Practitioner's Data
3 Bank and on the Board's web site as a disciplinary action.

4 8. If any part of the Order is later declared void or otherwise unenforceable, the
5 remainder of the Order in its entirety shall remain in force and effect.

6 9. If the Board does not adopt this Order, Respondent will not assert as a
7 defense that the Board's consideration of the Order constitutes bias, prejudice,
8 prejudgment or other similar defense.

9 10. Any violation of this Order constitutes unprofessional conduct and may result
10 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
11 consent agreement or stipulation issued or entered into by the board or its executive
12 director under this chapter") and 32-1451.

13 .
14 11. ***Respondent has read and understands the conditions of the restriction.***

15
16  DATED: 2-25-11
17 Darryl J. Mohr, M.D.

18 EXECUTED COPY of the foregoing mailed
19 this 25th day of February, 2011 to:

20 Darryl J. Mohr
21 Address of Record

22 ORIGINAL of the foregoing filed
23 this 25th day of February, 2011 with:

24 Arizona Medical Board
25 9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258


Arizona Medical Board Staff